

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT  
September 13, 2007

**Nos. 06-2121 & 06-2271**

Secretary of Labor v. Trinity Industries, Inc.  
(Docket No. 05-0773)

Present: Barry, Chagares and Tashima, Circuit Judges

- 1) Motion by Respondent to Publish Non-Precedential Decision Entered August 31, 2007.
- 2) Motion by National Association of Home Builders for Leave to be Treated as Amicus Curiae with Respect to Motion to Publish Non-Precedential Decision and Proposed Statement of Position on Motion to Publish Non-Precedential Decision.
- 3) Response by Trinity Industries in Opposition to Motion to Publish Decision.

/s/ Phyllis Ruffin  
Case Manager 267-299-4918

O R D E R

**The foregoing motion by petitioner/cross respondent is GRANTED and the motion by the National Association of Home Builders is DENIED as moot.**

By the Court,

/s/Maryanne Trump Barry  
Circuit Judge

Dated: September 28, 2007